

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LARRY E. EALY,

Plaintiff(s),

vs.

JOHN DANISH, et. al.,

Defendant(s).

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Case Number: 3:08cv386

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Sharon L. Ovington filed on July 1, 2009 (Doc. 39), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired July 22, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, Defendants Judges Yarborough and Langer's Motion to Dismiss (Doc. 14), Defendants Montgomery County Sheriff, Dave Vore, and the Montgomery County Commissioner's Motion for Judgment on the Pleadings (Doc. 15), and Defendants Bonfield and Danish's Motion for Judgment on the Pleadings and memorandum in opposition (Doc. 23) are **GRANTED;**

Plaintiff's Motions for Change of Venue (Doc. 32, 36 and 37) are **DENIED;**

Plaintiff's Motion to Amend Petition (Doc. 27) is **DENIED;**

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order will not be taken in good faith and therefore **DENIES** Plaintiff leave to appeal *in forma pauperis*. If so certified, Plaintiff, a non-prisoner, will remain free to apply to proceed *in forma pauperis* in

the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999). This case is
TERMINATED on the docket.

IT IS SO ORDERED.

—
s/Susan J. Dlott

Chief Judge Susan J. Dlott
United States District Court